

REGULAR MEETING

MAYOR AND BOARD OF TRUSTEES, VILLAGE OF BURR RIDGE, IL

September 26, 2011

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of September 26, 2011 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:04 p.m. by Mayor Grasso.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was conducted by Natasha Youssef of Pleasantdale Middle School.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Wott, Ruzak, Sodikoff, Paveza, Grela, Manieri, and Mayor Grasso. Also present were Village Administrator Steve Stricker, Police Chief John Madden, Public Works Director Paul May, Community Development Director Doug Pollock, Finance Director Jerry Sapp, and Village Clerk Karen Thomas.

There being a quorum, the meeting was open to official business.

AUDIENCE Resident Ed Kasper of the Savoy Club Subdivision referenced a letter written to the Board of Trustees that expresses the desire to have the abandoned foundation in the Savoy Club removed. Mayor Grasso indicated the matter would be discussed as agenda item 8D.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by Mayor Grasso, motion was made by Trustee Manieri and seconded by Trustee Wott that the Consent Agenda – Omnibus Vote, (attached as Exhibit A) and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

AYES: 6 – Trustees Manieri, Wott, Grela, Ruzak, Paveza, Sodikoff

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

APPROVAL OF REGULAR MEETING OF SEPTEMBER 12, 2011 were approved for publication under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE SPACE NEEDS COMMITTEE MEETING OF SEPTEMBER 12, 2011 were noted as received and filed under the Consent Agenda by Omnibus Vote.



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RECEIVE AND FILE (DRAFT) PLAN COMMISSION MEETING OF SEPTEMBER 19, 2011 were noted as received and filed under the Consent Agenda by Omnibus Vote.

ORDINANCE AMENDING SECTION 35-11-1204 (b) (3) OF CHAPTER 35 (MOTOR VEHICLES) OF THE BURR RIDGE MUNICIPAL CODE (STOP SIGN ON FIELDSTONE DRIVE)

The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance amending Section 35-11-1204 (b) (3) of Chapter 35 (Motor Vehicles) of the Burr Ridge Municipal Code for the installation of two-way STOP control to stop the Fieldstone Drive movement at 1) Plainfield Road entrance and 2) County Line Road entrance.

THIS IS ORDINANCE NO. A-668-04-11.

ORDINANCE GRANTING SPECIAL USE PURSUANT TO THE VILLAGE OF BURR RIDGE ZONING ORDINANCE FOR A RESTAURANT WITH ALCOHOLIC BEVERAGE SALES AND EXTENDED HOURS OF OPERATION (Z-20-2011: 118 BURR RIDGE PARKWAY – CAPRI MEX)

The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance granting special use pursuant to the Village of Burr Ridge Zoning Ordinance for a restaurant with alcoholic beverage sales and extended hours of operation (Z-20-2011: 118 Burr Ridge Parkway – Capri Mex).

THIS IS ORDINANCE NO. A-834-24-11.

ORDINANCE AMENDING SECTION 25.09 OF CHAPTER 25 (LIQUOR CONTROL) OF THE BURR RIDGE MUNICIPAL CODE (CLASS H LIQUOR LICENSES)

The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance amending Section 25.09 of Chapter 25 (Liquor Control) of the Burr Ridge Municipal Code (Class H Liquor Licenses).

THIS IS ORDINANCE NO. A-222-02-11.

RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF BURR RIDGE AND COOK COUNTY FOR THE PROVISION OF ENVIRONMENTAL HEALTH INSPECTION SERVICES

The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution authorizing the intergovernmental agreement between the Village of Burr Ridge and Cook County for the provision of environmental health inspection services with the per inspection fee of \$60.00.

THIS IS RESOLUTION NO. R-16-11.

RECOMMENDATION TO APPROVE CONSTRUCTION ENGINEERING CONTRACT WITH HDR ENGINEERING FOR MADISON / NORTH FRONTAGE TRAFFIC SIGNAL GRANT PROJECT

The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for the Phase III Engineering Services for construction of a traffic signal at Madison Street and Joliet Road to HDR Engineering, Chicago in an amount not to exceed \$88,865.41.

PLAN COMMISSION RECOMMENDATION TO APPROVE SPECIAL USE TO PERMIT A “SCHOOL, WORKSHOP, TRAINING CENTER FOR DEVELOPMENTALLY DISABLED PERSONS” IN AN EXISTING TENANT SPACE (Z-18-2011: 16W241 SOUTH



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FRONTAGE ROAD – PAGANIS The Board, under the Consent Agenda by Omnibus Vote, directed staff to prepare an Ordinance approving a special use to permit a “school, workshop, training center for developmentally disabled persons” in an existing tenant space (Z-18-2011: 16W241 South Frontage Road – Paganis).

PLAN COMMISSION RECOMMENDATION TO APPROVE SPECIAL USE AND VARIATION TO PERMIT A FENCE TO BE ERECTED ON A NON-RESIDENTIAL PROPERTY AND TO PERMIT SAID FENCE ON A PROPERTY WITHOUT A PRINCIPAL USE OF BUILDING RATHER THAN THE REQUIREMENT THAT ACCESSORY STRUCTURES SHALL BE ACCESSORY TO THE PRINCIPAL USE (Z-21-2011: 15W230 NORTH FRONTAGE ROAD – STRAUB)

The Board, under the Consent Agenda by Omnibus Vote, directed staff to prepare Ordinances approving a special use and a variation to permit a fence to be erected on a non-residential property and to permit said fence on a property without a principal use or building rather than the requirement that accessory structures shall be accessory to the principal use (Z-21-2011: 15W230 North Frontage Road – Straub).

RECOMMENDATION TO AWARD CONTRACT FOR 2011 CRACK-FILLING PROGRAM The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for 2011 Crack-Filling to SKC Construction, Inc., West Dundee in the amount of \$23,894.80.

RECOMMENDATION TO AWARD CONTRACT FOR 2011 SIDEWALK PROGRAM The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for the 2011 Sidewalk Program to the lowest responsible bidder, Davis Concrete Construction Company, Alsip, in the amount of \$74,572.50.

PROCLAMATION DESIGNATING OCTOBER 5, 2011 AS INTERNATIONAL WALK TO SCHOOL DAY The Board, under the Consent Agenda by Omnibus Vote, approved the Proclamation designating October 5, 2011 as International Walk to School Day.

VOUCHERS FY 11 - 12 in the amount of \$415,150.65 for the period ending September 26, 2011, and payroll in the amount of \$189,901.13 for the period ending September 17, 2011 were approved for payment under the Consent Agenda by Omnibus Vote.

PRESENTATION OF FY2010 – 11 AUDIT Dan Berg of Sikich Gardner & Co. LLP, made the presentation of the Audit Report and Management Letter for the Fiscal Year 10 - 11 Audit. Mr. Berg indicated there is a clean opinion on the financial position of the Village.

Village Administrator Steve Stricker noted there was a budget surplus for the year.

Trustee Wott questioned the grants discussed in the summary and inquired if they would have a negative impact in the following year. In response, Mr. Berg indicated grants are generally the



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result of one-time expenditures that are offset by the grants and would not have an impact on the subsequent year.

Motion was made by Trustee Paveza and seconded by Trustee Grela to accept and file the FY2010 – 2011 Audit.

On voice vote the motion carried.

CONSIDERATION OF RECOMMENDATION TO AWARD CONTRACT FOR COMMONWEALTH EDISON TRANSMISSION LINE RELATED TREE TRIMMING

Village Administrator Steve Stricker reminded the Board that the Village has an agreement with Commonwealth Edison that allows the Village to trim the trees along their transmission lines and that Commonwealth Edison would conduct inspections to ensure the clearance is sufficient. Mr. Stricker explained that following the Commonwealth Edison inspections, tree trimming in the amount of \$10,600 was required. He stated that staff questioned Commonwealth Edison's assessment and through consultation with the Village Arborist and Forester, as well as competitive bidding, the estimate has been reduced to \$4,999.70 through Kramer Tree Specialists.

Motion was made by Trustee Wott and seconded by Trustee Ruzak to award the contract for Commonwealth Edison transmission line related tree trimming to Kramer Tree Specialists of West Chicago, in an amount not to exceed \$4,999.70.

On Roll Call, Vote Was:

AYES: 5 – Trustees Wott, Ruzak, Grela, Paveza, Manieri

NAYS: 0 – None

ABSENT: 0 – None

ABSTAIN: 1 – Trustee Sodikoff

There being five affirmative votes, the motion carried

PLAN COMMISSION RECOMMENDATION TO APPROVE SPECIAL USE TO PERMIT A RESTAURANT WITH SALES OF ALCOHOLIC BEVERAGES, LIVE ENTERTAINMENT, WITH EXTENDED HOURS OF OPERATION AND WITH AN OUTDOOR DINING AREA (Z-19-2011: 590 VILLAGE CENTER DRIVE – WOK-N-FIRE)

Community Development Director Doug Pollock presented a recommendation from the Plan Commission to grant special use to the Wok N Fire Restaurant to permit the restaurant to serve alcoholic beverages, host live entertainment and provide outdoor dining with extended hours of operation. Mr. Pollock added that the Plan Commission requested additional details regarding the outdoor dining for full Plan Commission approval; however, the use of the outdoor dining area is not anticipated until next year.

Mr. Pollock explained that the hours of operation requested were to close at midnight on weeknights and 1:00 AM on weekends, which is consistent with other restaurants in the Village. However, the Plan Commission had a concern regarding the hours of operation as the petitioner has requested a



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2:00 AM closing time on selected Friday and Saturday evenings for private parties. The Plan Commission recommended a 1:00 AM closing time and deferred the consideration of an extension to the Board.

Mr. Pollock provided the Board with a list of the liquor licenses in the Village and their closing times in conjunction with the Zoning Ordinance. He indicated that in the past, when hours of operation have been extended, a temporary extension has been granted in order to evaluate the effects the extension may have.

Trustee Grela added that the definition of a private party should be clarified and suggested that the restaurant should be permitted to open initially with the 1:00 AM closing time with monitoring and if no issues are reported, the restaurant can then petition for an extension of their hours.

Michael Durlacher, General Counsel for Wok N Fire Restaurant, explained the private parties would consist of events by invitation only scheduled either by an individual or by the restaurant. Mr. Durlacher added that there are four other Wok N Fire Restaurants, none of which has had an issue with their liquor license or violations resulting from extended hours.

Mayor Grasso requested clarification regarding the history of incidents at the other locations as well as the frequency of the private parties. In response, Mr. Durlacher stated the frequency anticipated is approximately one private party per month and possibly weekly during the holiday season. Mr. Durlacher indicated he is unaware of any disturbance problems at any of the other locations.

Trustee Manieri suggested that the 2:00 AM closing time should be earned after monitoring for a six month time frame.

In response to Mayor Grasso's inquiry regarding the type of entertainment, Mr. Durlacher stated it would consist of a one-man band, a small band or a DJ.

The Board discussed the option of allowing the restaurant to open with a stated closing time of 1:00 AM, with a special permit to be obtained from the Liquor Commissioner when a 2:00 AM closing time is required. In addition, following a six month time frame, consideration can be given to a comprehensive zoning change applicable to the other establishments in the Village.

There was additional Board discussion regarding other establishments in the Village and the hours of operation granted. Mr. Pollock explained that with some restaurants such as Cooper's Hawk, a temporary special use was initially granted to remain open until 1:00 AM and it was required to be renewed. Mr. Pollock added there are other restaurants, such as Dao Sushi and Thai, which were granted a 1:00 AM closing without a trial period.

The Board discussed extending the extended hours of operation to a Village-wide use to avoid addressing this issue with each restaurant in the Village.



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Mr. Durlacher explained that with the 2:00 AM closing the food and drink orders would be cut-off at 1:30 AM.

Mr. Lanpouthakoun, owner of Wok N Fire explained that the kitchen closes at 11:30 pm and a limited menu is offered until closing.

Motion was made by Trustee Wott and seconded by Trustee Ruzak to grant a special use to the Wok N Fire Restaurant to permit the restaurant to serve alcoholic beverages, host live entertainment and provide outdoor dining with extended of hours of operation subject to Plan Commission review of the outdoor dining plans and a closing time of 1:00 AM and with a 2:00 AM closing for private parties with prior Liquor Commissioner approval.

On Roll Call, Vote Was:

AYES: 6 – Trustees Wott, Ruzak, Grela, Paveza, Sodikoff, Manieri

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried

CONSIDERATION OF RECOMMENDATION TO USE BUILDING PERMIT PERFORMANCE BOND TO REMOVE OR FILL ABANDONED FOUNDATION IN SAVOY CLUB Community Development Director Doug Pollock reminded the Board that in May 2010, a one year extension was granted on the building permit at 8050 Savoy Club Court to allow the foundation to remain at this location and the extension was extended again to September 26, 2011. Mr. Pollock explained that there is currently no contracted buyer to construct a home on the foundation and the bank holding the ownership of the property, First Merit, has agreed to remove the foundation.

Mr. John Barry of McNaughton Development and Property Manager for First Merit Bank stated the bank has agreed the removal of the foundation by utilizing the \$5,000 performance bond toward the cost. Mr. Pollock responded by stating that the Village is holding the bond money, which would be returned anyway once the foundation was removed.

Trustee Manieri stated the bank should cover the cost of the foundation removal and the Village should retain the bond money to clean the algae in the pond and pay the electric bills to cover the costs of running the aerators in the pond.

In response to Trustee Manieri's suggestion, Mr. Pollock stated the performance bond can only be used for the specific lot, not for subdivision expenses.

Village Administrator Steve Stricker explained that in order to utilize the bond money for the foundation removal, the work must be completed and subsequently inspected, then the money can be released.



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Mayor Grasso inquired if it was possible to provide the maintenance to the pond area. In response, Mr. Pollock explained that subdivision maintenance can be enforced in the Savoy Club in the same manner as it is in other subdivisions. He explained that if maintenance is not performed, the responsible parties would be notified in writing and taken to court if they do not comply.

Motion was made by Trustee Manieri and seconded by Trustee Grela to deny any further extensions of the building permit at 8050 Savoy Club Court and direct staff to proceed with the foundation removal to be done by First Merit Bank and inspected by the Village prior to the release of the performance bond money to First Merit Bank.

Resident Marty Wehner of Savoy Club Subdivision inquired if there was a timetable for the foundation removal. In response, Mayor Grasso indicated a timeframe of 45 days, which would include the Village inspection of the work.

The Motion and second were amended to include the timeframe of 45 days for the removal of the foundation.

Mr. Pollock explained that the process will include complete removal of all concrete and wood with the opening filled and compacted. The area would be graded level with the surrounding ground and a ground cover planted.

On Roll Call, Vote Was:

AYES: 5 – Trustees Manieri, Grela, Ruzak, Wott, Paveza

NAYS: 0 – None

ABSENT: 0 – None

ABSTAIN: 1 – Trustee Sodikoff

There being five affirmative votes, the motion carried.

The Board discussed the maintenance issues with the subdivision; specifically, the pond maintenance, lawn maintenance, and the running of the aerators. In response, Mr. Pollock stated he discussed these items with the Village Engineer and work cannot be performed in these areas until the spring. Mr. Pollock did acknowledge that the violation notifications could take place immediately.

Trustee Manieri inquired if the algae in the pond could be scraped prior to the onset of the cold weather. In response, Public Works Director Paul May indicated he is not certain if it would be successful. Ordinarily, a consistent pond maintenance program is the most effective and is now required by the current Ordinance.

OTHER CONSIDERATIONS Trustee Paveza noted he read the Community Service survey results in more detail and was pleased with the favorable comments with regard to the Police Department and Public Works. In addition, Trustee Paveza added that the suggestions made

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regarding businesses that the residents would like to see in the Village Center and County Line Square are forwarded to the parties responsible for those areas.

Trustee Manieri noted the engineering for the bridge over I-55 is progressing and would like to review it as a Board in the near future. In response, Village Administrator Steve Stricker reminded the Board that at a previous meeting, the preliminary design was presented and approved by the Board. The preliminary design has been presented to and approved by IDOT and the Federal Highway Administration and the consultants will now move into the design phase to prepare more detail. Mr. Stricker anticipates the design would be available in approximately February or March of 2012 and additional information can be provided at that time.

Trustee Sodikoff stated he would like to see the project broken down by cost. In response, Mr. Stricker stated the costs will be provided as part of the design phase, which is the next phase of the project. Mr. Stricker emphasized that when the design of the concepts is completed, the costs will be presented to the Board for final approval.

In response to a question regarding the costs, Mr. Pollock stated the grant amount is \$1.8 million and the Village portion of the grant is approximately \$400,000, which includes the engineering and construction.

Mayor Grasso added that the Hotel / Motel Tax fund would be used to fund the Village portion of the project.

Trustee Sodikoff questioned if the landscaping was included in the design. Mr. Stricker responded that there is a landscaping area that is in the scope but other areas were indicated for possible future work.

Public Works Director Paul May responded by explaining that the IDOT portion of the project is funded by a grant, just as the Village portion is. Mr. May discussed the items that are included in the project and upon completion of the design, the consultants will present the details of the design, the costs, and a maintenance plan.

Trustee Sodikoff inquired about the ability to eliminate items from the design. In response, Mr. May stated that once the project is bid, changes cannot be made to the design.

Mayor Grasso concluded that the Board will have the opportunity to review the design and make changes prior to the project commencing and the current project plan has construction beginning in 2013.

AUDIENCE There were none at this time.

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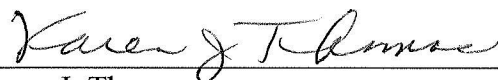
REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS In response to Trustee Ruzak regarding the home at Plainfield Road and County Line Road, Mayor Grasso stated the Bank has acquired permits to remove the water-damaged materials from the interior of the home.

In response to Trustee Paveza's question regarding the high water bills, Mr. Stricker explained that the Village received 15% rate increases in the past three years from the city of Chicago and those increases were passed on to the residents. The results of those increases, coupled with a dry summer and the tier structure of the water rates, have caused larger water bills.

ADJOURNMENT Motion was made by Trustee Wott and seconded by Trustee Paveza that the Regular Meeting of September 26, 2011 be adjourned.

On voice vote the motion carried and the meeting was adjourned at 8:58 p.m.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 10th day of October, 2011.



September 26, 2011
7:00 p.m.

- All items listed with an asterisk (*) are considered routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so request, in which event the item will be removed from the Consent Agenda.

- *A. Approval of Regular Meeting of September 12, 2011
- *B. Receive and File Space Needs Committee Meeting of September 12, 2011
- *C. Receive and File Draft Plan Commission Meeting of September 19, 2011

- *A. Approval of Ordinance Amending Section 35-11-1204 (b) (3) of Chapter 35 (Motor Vehicles) of the Burr Ridge Municipal Code (Stop Sign on Fieldstone Drive)
- *B. Approval of Ordinance Granting Special Use Pursuant to the Village of Burr Ridge Zoning Ordinance for a Restaurant with Alcoholic Beverage Sales and Extended Hours of Operation (Z-20-2011: 118 Burr Ridge Parkway – Capri Mex)
- *C. Approval of Ordinance Amending Section 25.09 of Chapter 25 (Liquor Control) of the Burr Ridge Municipal Code (Class H Liquor Licenses)

*A. Adoption of Resolution Authorizing an Intergovernmental Agreement Between the Village of Burr Ridge and Cook County for the Provision of Environmental Health Inspection Services

EXHIBIT A

8. CONSIDERATIONS

- A. Presentation of FY 2010-11 Audit
- B. Consideration of Recommendation to Award Contract for Com Ed Transmission Line Related Tree Trimming
- C. Consideration of Plan Commission Recommendation to Approve Special Use to Permit a Restaurant with Sales of Alcoholic Beverages, Live Entertainment, with Extended Hours of Operation and with an Outdoor Dining Area (Z-19-2011: 590 Village Center Drive – Wok N Fire)
- D. Consideration of Recommendation to Use Building Permit Performance Bond to Remove or Fill Abandoned Foundation in Savoy Club (8050 Savoy Club Court)
- *E. Consideration of Recommendation to Approve Construction Engineering Contract with HDR Engineering for Madison/North Frontage Traffic Signal Grant Project
- *F. Approval of Plan Commission Recommendation to Approve Special Use to Permit a “School, workshop, training center for developmentally disabled persons” in an Existing Tenant Space (Z-18-2011: 16W241 South Frontage Road – Paganis)
- *G. Approval of Plan Commission Recommendation to Approve Special Use and Variation to Permit a Fence to be Erected on a Non-Residential Property and to Permit Said Fence on a Property Without a Principal Use or Building Rather than the Requirement that Accessory Structures Shall be Accessory to the Principal Use (Z-21-2011: 15W230 North Frontage Road – Straub)
- *H. Approval of Recommendation to Award Contract for 2011 Crack-Filling Program
- *I. Approval of Recommendation to Award Contract for 2011 Sidewalk Program
- *J. Approval of Proclamation Designating October 5, 2011, as International Walk to School Day
- *K. Approval of Vendor List
- L. Other Considerations – For Announcement, Deliberation and/or Discussion Only – No Official Action will be Taken

9. AUDIENCE

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. ADJOURNMENT